393.

SUPREME COURT OF THE UNITED STATES.

No. 202.

THE UNITED STATES, APPELLANTS,

vs.

JOSE RAFAEL GONZALES.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GIBSON, Print.

Transcript of the Proceedings in Case No. 27—José Rafael Gonzales, claimant, vs. The United States, defendant—for the place named Rancho de San Miguelito de Trinidad.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the Private Land Claims in the State of Cal'a.

Be it remembered, that on this ninth day of February, anno Domini one thousand eight hundred and fifty-two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of José Rafael Gonzales, for the place named Rancho de San Miguelito de Trinidad, was presented, and ordered to be filed and docketed with No. 27, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *March 4th*, 1852.

In case No. 27, José Rafael Gonzales, the deposition of James Alexander Forbes, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit:

(Vide page 7 of this Transcript.)

SAN FRANCISCO, *May 12th*, 1852.

In case No. 27, José Rafael Gonzales, the deposition of David Spence, a witness in behalf of the claimant, taken before Commissioner James Wilson, was filed, and is in the words and figures as follows, to wit:

(Vide page 9 of this Transcript.)

SAN FRANCISCO, *Feb'y 8th*, 1853.

Case No. 27, José Rafael Gonzales, for the place named "San Miguelito," called. The counsel for the claimant read the petition and the papers in evidence; the associate law agent of the United States filed his brief. Case submitted, and taken under advisement by the Board.

SAN FRANCISCO, *Feb'y 28th*, 1853.

In case No. 27, José Rafael Gonzales, for the place named "San Miguelito," the deposition of Wm. H. McKee, a witness in behalf of

the claimant, taken before Commissioner Hiland Hall, was filed, and is in the words and figures as follows:

(Vide page 10 of this Transcript.)

SAN FRANCISCO, *March 1st*, 1853.

In case No. 27, José Rafael Gonzales, for the place named "San Miguelito," Commissioner Hiland Hall delivered the opinion and the decree of final confirmation of this Board.

Ordered, that the opinion and the decree of final confirmation of this Board, delivered this day in this case, be recorded on the journal; which opinion and decree are in words and figures as follows, to wit:

(Vide page 71 of this Transcript.)

To the honorable the Commissioners for settling private land claims in California.

The petition of José Rafael Gonzalez, a resident of the county of Monterey, State of California, respectfully showeth:

That, being a Mexican by birth and resident in the department of Monterey, in the present county of Monterey, he presented a petition in writing to Don Juan B. Alvarado, then governor of California, on the 1st day of May, 1841, soliciting for himself a tract of land containing two sitios de ganado mayor, as a recompensation for military services rendered by him to the government for many years, which said tract of land was designated in said petition as rancho de San Miguelito de Trinidad, lying in the neighborhood of and immediately adjoining the Mission of San Antonio, an exact description of the boundaries of which land will be given hereafter. That said solicitation was referred by said Governor Alvarado to the prefect of the first district for report and information, on the 17th of May, 1841, and by him remitted to José de Jesus Pico, the person in charge of the settlement of San Antonio; and that the same, as well as said prefect of the 1st district, reported favorably thereon. And your petitioner further showeth, that thereafter, to wit, some time in the early part of July, 1841, and before he obtained the grant of land petitioned for, he presented another petition to said Alvarado, praying for an additional tract of land of three sitios or leagues situate at San Miguelito aforesaid, as the two sitios de ganado mayor, which were then in process of being granted to him in the location of San Miguelito, were not sufficient for the amount of cattle he possessed.

Whereupon the said Governor Alvarado, in virtue of the authority vested in him as constitutional governor of California, by a decree, dated July 24th, 1841, declared said José Rafael Gonzales the lawful owner of said tract of land, containing five sitios de ganada mayor, and described hereafter, and directing the proper document, constituting title, to be delivered to said Gonzales.

That on the twenty-fourth of July, A. D. 1841, the said Juan B. Alvarado, by virtue of the authority aforesaid, made in due form of

law and delivered to said José Rafael Gonzales a grant of said piece of land petitioned for; and that said solicitation, and decree, and the official copy of said grant, together with the map accompanying said solicitation, are now on file among the archives of the department of Upper California, now in the custody of the surveyor general of the United States of America for the State of California; and that copies of said documents, duly authenticated and certified by said surveyor general, together with translations of the same, are herewith submitted, and prayed to be made a part of this petition. That said original grant is now in possession of said petitioner and ready to be offered in evidence. And your petitioner further states, that on the 27th of September, 1842, he exhibited the original grant of said tract of land to the respective justice of the peace or judge of the first instance, and that the same gave your petitioner the juridical possession of said tract, in accordance with all the formalities of the law. That a translation of said act of juridical possession, duly certified, is herewith exhibited and made a part to this petition. That said tract of land is situate in the county of Monterey, and immediately adjoining the ex-mission San Antonio, and bounded and described as follows:

1st. Commencing on the summit of the range of mountains lying westerly of the rocks known as Portescuela, at a point due west of said rocks; thence running easterly to said Portescuela.

2d. Thence from said Portescuela, running in a southeasterly direction in a straight line, to the rocks known as "Piedras del Ganilan."

3d. Thence south across the river known as "Rio de Sierra," to the highest point on the next range of mountains which runs from east to west, next south of said river.

4th. Thence, at right angles as near as possible with the last mentioned line west, along the summit of the aforesaid range of mountains, south of said "Rio del Sierra," to a point where the road, leading from the rancho San Miguelita to the beach, crosses the highest of said mountain range.

5th. All right angles thence running northerly, as near as may be along the ridge of the mountains, running from north to south, to the place of beginning.

And your petitioner further says, that the said boundaries comprised about five square leagues of territory, more or less, and that the same is known under the name of rancho de San Miguelita de Trinidad.

And your petitioner further showeth, that at the time when said grant was made, there was no one living on said territory, except one Esbefano Robles, an Indian woman, who had obtained permission to do so by the superiors of the adjoining mission, but who had no legal title to it; and that your petitioner, for the sake of taking peaceable possession of the territory so granted to him, purchased from said Esbefano Robles and her tribe all her and their right or interest in that parcel of territory, which she or they might have so occupied by them; and that he built a house thereon, and fenced in a part of said land, according to the conditions specified in said grant, as will more fully

appear by the map herewith exhibited, and continued to reside thereon up to this date, occupying said tract for grazing and other purposes, and exercising full and undisputed ownership over the whole thereof, and has not been interfered with in the occupation and ownership of said lands by any persons claiming title adverse and paramount to that of your petitioner.

Your petitioner, therefore, asks that your honors, after due proofs in the premises, would establish and confirm his claim and title to said land, as above set forth and described.

And your petitioner, in duty bound, will ever pray, etc.

CLARK, TAYLOR & BECKH,
Solicitors for D'n José Rafael Gonzales.

Filed in office, Feb'y 9th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of James Alexander Forbes.

CALIFORNIA LAND COMMISSION,
SAN FRANCISCO, *March 4th*, 1852.

At Chambers.—Before me, Harry T. Thornton, one of the board of commissioners to ascertain and settle private land claims in the State of California, came James Alexander Forbes, a witness summoned to testify on behalf of the claimant, José Rafael Gonzales, whose petition is No. 27 on the docket; the law agent of the United States being present, on due notice, and the said witness having been by me first duly sworn, testified as follows, viz:

Interrogatories by the counsel of the claimant.

Ques. 1. What is your name, age, birth-place and place of present residence?

Ans. My name is James Alexander Forbes; I am forty-seven years; Inverness, Scotland; and I reside at the Mission of Santa Clara.

Ques. 2. How long have you resided in California?

Ans. Twenty-two years permanently.

Ques. 3. Look at the document now handed you, consisting of fourteen leaves, with pages numbered from 1 to 12 inclusive, written in Spanish, purporting to be an original grant from Juan B. Alvarado to Don José Rafael Gonzales, of the place called Miguelito, dated Monterey, July 24th, 1841, signed by said Alvarado, and countersigned by Manuel Jimeno, sec'y, followed by a map and description of the premises, and by a record of juridical possession given by Fernandez to said Gonzales, Sept. 28th, 1842, a document purporting to be a translation of all of which now on file in this case, and marked D, is also shown you. State whether you are acquainted with the handwriting of any and which of the persons whose signatures purport to be affixed to the different pages of said first-named document, and which of said signatures you know to be genuine. State whether said first-named document is the original of which the exhibit D, now on file in

the secretary's office, in the matter of the claim of José Rafael Gonzales to the rancho of Miguelito de Trinidad, is a translation.

Answer. I know the signature of Juan B. Alvarado, on pages 2, 5, 6, 7, 8, 9, 10, 11, 12, and also the signatures of Manuel Jimeno, upon pages 2 and 5; also of Estrada, on page 2; also that of Manuel Castañares, on the reverse of page 2; that of José Zenon Fernandez, on the reverse of page 6, on pages 7, 8, and the reverse of 8, pages 9, 11 and 12, from the fact of having corresponding with them, and having often seen them write their names. I know them to be genuine. I know the document present to me to be the original of which a document marked D is a translation.

Ques. 4. Look at the document now shown you, marked D, on file in this case, purporting to be an act of transfer from the emancipated Indians, Apollonario Mendora, husband, and Estefana, his wife, and their children, Gamaniel Zerado Perfecta, and Tacinta, to Don Mauricio Gonzales, of their house and property in the place known as Miguelito, entered into by them on the 24th of September, 1841, before Simon Castro, justice of the peace, and two witnesses of assistance, and two other witnesses to the act. State if you know the handwriting of any and which of the persons whose signatures purport to be appended to said document, and whether they are genuine signatures.

Ans. I know the handwriting of José Z. Fernandez, and that of Manuel Castro. The signatures, as affixed to the document presented to me, are genuine; and I know them from having seen them often write.

JAS. ALEX. FORBES.

The law agent being present, declines cross-examining witness.

Sworn to and subscribed before me, this 4th day of March, 1852.

HARRY T. THORNTON, *Com'r.*

Filed in office, March 4th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of David Spence.

No. 27.—Claim of José Rafael Gonzales.

Question 1, by claimant. Look at the original documents now shown you, written in Spanish, purporting to be a grant from Juan B. Alvarado to José Rafael Gonzales of the rancho San Miguelito de la Trinidad, and the record of juridical possession of the same. State if you have compared said documents with exhibit D, now on file in this cause, and whether the latter is a correct translation of the former.

Answer. I have compared said original documents with said exhibit; the first twenty pages of said exhibit contains substantially a correct translation of said original documents.

Question 2d. Look at said original documents, and state whether

you know any of the signatures thereto; and if so, which of them you know to be genuine.

Deponent's answer. I know the signature of Juan B. Alvarado, and the signature of Manl. Jimeno, the signature of Estrada and Manl. Castañares, which appear on said document, and they are genuine; also the signature of Fernandes, also the signature of José Rafael Gonzales, also the signature of José A. Chavis, where they occur in said document, and they are genuine signatures.

D. SPENCE.

BOARD OF LAND COMMISSIONERS,
May 12, 1852.

On this day, the foregoing deposition of David Spence, taken at the request of José Rafael Gonzales, to be used in case No. 27, for confirmation of grant of rancho S. Miguelito—Geo. W. Cooley, esq., law agent U. S., was present, and did not object. Subscribed and sworn to before me,

JAMES WILSON, *Com'r.*

Filed in office, May 12th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of Wm. H. McKee.

SAN FRANCISCO, *Feb'y* 28, 1853.

On this day, before Comm'r Hiland Hall, came Wm. H. McKee, a witness in behalf of the claimant, José Rafael Gonzales, petition No. 27, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present.

In answer to questions by counsel for the claimant, the witness testified as follows:

My name is William H. McKee, my age is thirty-three, and I reside in Monterey, and have resided in the county of Monterey about eight years.

I have known the rancho San Miguelito ever since the year 1847. It was then occupied by José Rafael Gonzales and his son. There was an adobe house on it, which appeared to have been built the previous year, and another house which might have been six or seven years old. The son was occupying the house, and had charge of a large stock of cattle, and there was land under cultivation. The occupation of the said Gonzales has continued to the present time.

WM. H. McKEE.

Sworn and subscribed, before

HILAND HALL, *Com'r.*

Filed in office, Feb'y 28, 1853.

GEO. FISHER, *Sec'y.*

1 S. D. K.

Espediente promovido por D'n José Rafael Gonzales en solicitud del parage conocido con el nombre de San Miguelito, año de 1841.

(243.)

B.—[2 S. D. K.]

Sello Tercero, Dos Reales.

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y año.

ANTONIO MARIA OSIO.

XIMENO.

[Ad'a Mar't'a de Monty. Mex. Engle.] *Espediente.*

Ex'mo S. Gob'r de este Departamento:

El ciudadano José Rafael Gonzales ante la notoriá justificacion de V. E. con el respeto debido hace presente que siendo, Mejicano p'r nacimiento, y actualm'te abecinado en este departam'te y contando de servicios á mi patria ya en la carrera de las armas, ya en otros empleos y comisiones del Sup'o Gobierno desde el año de 1810. Sin el tiempo doble de campaña, consagrando p'r consiguiente la mejor de mi edad al servicio de la patria; hay me encuentro abanzado en años, enferme y deceoso de establecerme de algun modo p'a descansar de mis fatigas, asi es ql. p'r todo lo espuesto, si se tienen en consideracion n is servicios, he de merecer á la justicia y publica benevolencia de V. E. ql. p'a lograr mi establecimiento se sirva concederme en propiedad el paraje conocido, con el nombre de *S'n Miguelito*, situado á las inmediaciones de la ex-mision de S'n Antonio, y conforme al diceño q. tengo el honor de acompañor á V. E. no dudando ql. el establicim'to de campo que pienso formar de el, en el caso de concesion, será uno de los utiles á este pais. Y como el terreno ql. solicito seran dos citios de ganado mayor, en el ql. se comprenderan una cienega ql. entorpece alli la cria del ganado; pido ql. p'r la parte del norte se me conceda h'ta la piedra ql. esta en el portezuelo y p'r el sur hasta la playa, por el oriente h'ta la agua del gabilan quedando esta dentro—

4 S. D. K.

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

XIMENO. ANTONIO MARIA OSIO.]

[Ad'a Mar't'a de Mont'y. Mex. Engle.] —del litio ql. se solicita; y pr. el poniente h'ta la tierra conocido pr. de las piedras. Por tanto.

A V. E. suplico ql. si lo cree de justicia acceda á esta mi solicitud en lo que recibiré justicia y remuneracion á mis muchos servicios.

Monterey, Mayo primero, de mil ochocientos cuarenta y uno.

Ex'mo Sr.,

JOSE RAFAEL GONZALEZ.

MONTEREY, *Mayo* 17, *de* 1841.

Pase esta instancia al S'r Prefecto del 1st distrito, para que mandé practicar los informes convenientes devolviendola en estado de resolver.

ALVARADO.

3 S. D. K.

S'N JUAN DE CASTRO, *Mayo* 20, 1841.

En cumplimiento del sup'r decreto q. antecede, pase esta solicitud al encargado del establecimiento de S'r Antonio, para que informe lo combemiente.

Por informeona del S'r Prefecto y de su s'rio.

M. CASTANARES, *S'rio.*

SN. ANTONIO, 1o *de Junio*, 1841.

En complimiento de la superior orden del Sor. Prefecto del 1o distrito de 20 de Mayo del presente año, digo ql. el parage ql. solicita el ex teniente Dn. Rafael Gonzalez esta baldio pues aunqe. esta viviendo en el sitado paraje una neofita estefana á quien el finado General Figueroa le concedió un pedayo de tierra para labor no lo beneficia, pero no hay ningun ganado que meter en referido sitio hay una casita ql. contiene dos piezas bastante desterioradas por ser de adobe, y como la Indiana esta tan mala cada dia á mas y mas se necessita poblar de gente de razon y con bienes.

[5 S. D. K.] JOSE DE JESUS PICO.

Ex'mo S'or:

Don Rafael Gonzalez en la presente instancia solicita de la bondad de V. E. se sirva concederle la propriedad del terreno conocido, con el nombre de Sn. Miguelito pertineciente al establecimiento de Sn. Antonio.

Esta prefectura ha vista con bastante aprecio los servicios prestados por el S. Gonzalez y de los q. hace una simple reseña en su solicitud, mas no es este el movil q. la decide á opinar en su favor, sino el caracter laborioso y emprendedor de q. se haya adornado.

Por lo tanto si fuere del agrado de V. E. es mi opinion se sirva agraciarle como pretende.

JOSE T. CASTRO.

Monterey, 24 de Julio, de 1841.

6 S. D. K.

Vista la petition con que da principio este espediente, el informe del encargado del establecim'to de San Antonio, el del Sr. Prefecto del 1er. distrito, y la nueva solicitud en que se pretende la ampliacion del terreno que comprende el diceño, con todo lo demas que se tubo presente y ver convino de conformidad con las leyes y reglamentos de la materia, declaro á Dn. José Rafael Gonzalez dueño en propiedad del paraje conocido con el nombre de San Miguelito, colindante al Norte con un portezuelo, al sur con la playa, al oriente con la aqua del gabilan como comprendido al terreno, y al poniente hasta la sierra conocido por de las piedras, en extension de cinco sitios de ganado mayor. Librese el correspondiente despacho en el que se asentaran las condiciones que se estipulan, tomese razon en el libro respectivo y dirijase este espediente á la ex'ma junta departmental para su aprovacion.

El Señor Dn. Juan B. Alvarado, gobernador constitutional del departam'to de las Californias, asi lo mando, decreto y firmo, de que doy fé.

7 S. D. K.

Sello Cuarto, Una Cuartilla.

Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ALVARADO. ANTONIO MA. OSIO.

[Ad'a Marit'a de Mont'y. Mex. Eagle.] Ex'mor S'or Gobernador:

El ciudadano Jose Rafael Gonzalez teniente rretirado y actualmente establisido en este departamento ante la acreditada justificacion de V. E. con el debido rrespeto y en la forma que mas alla lugar en derecho ase presente: que considerando que dos sitias de ganado mallor que he pretendido y semeban á conceder en el paraje de Sn. Miguelito, no son suficientes pa. la mantencion y progreso del numero de ganado que tiene, a de merecer de V. E. que en atencion á los servicios que a prestado á la nacion como puede acreditarlo, se sirba consederle en propiedad la estension de cinco sitios de ganado mallor por mas ó menos que contiene el espresado paraje de Sn. Miguelito segun esplica el diseño que corre en el espediente. Por tanto á V. E. suplico se digne proveer como pido en lo que recibiré gracia y justicia.

Monterey, Julio de 1841.

JOSE RAFAEL GONZALEZ.

Ex'mor S'or.

[*For map see original, between pages* 18 *and* 19.]

9 S. D. K.

Numeros.		Nombres.
1	-	Playa.
2	-	Camino pa. la playa.
3	-	Sierra.
4	-	Rio de la Sierra.
5	-	Ojo de Agua del Gabilan.
6	-	Arroyo del Gabilan.
7	-	Camino de S. Carpofono.
8	-	Piedras del Gavilan.
9	-	Camino pa. el Rancho del Piojo.
10	-	Id., Id. pa. el S. Miguelito.
11	-	Rancho de S. Miguelito.
12	-	Cienega.
13	-	Tierra de labor.
14	-	Tierra de riego.
15	-	Casa de Marcelo.
16	-	Lomas muertas.
17	-	Idem del Benado.
18	-	Piedras del Portezuelo.
19	-	Cañada de las Piedras.
20	-	Arroyo de las Piedras.
21	-	Cañada del Rancho.
22	-	Atajada de Borregos.
23	-	Arroyo de la Cienega.
24	-	Lomas muertas de la Playa.
25	-	Ojo de Agua.
26	-	Surco de agua de la Cienega.

11 S. D. K.

Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias.

Por cuanto Dn. José Rafael Gonzales, Mejicano pr. nacimiento, ha pretendido para su beneficio personal, y de su familia el paraje conocido con el nombre de San Miguelito, colindante al al Norte con el Portezuelo, al sur con la Playa, al oriente con la agua del Gabilan como comprendido al terreno, y al poniente hasta la sierra conocida por de las Piedras; practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas á nombre de la nacion Mejicana he venido en concederle el terreno mencionado, declarandole la propiedad de el por las presentes letras, sujetandose á la aprovacion de la Ex'ma Junta Departmental, y á las condiciones siguientes:

1o. Podra sercarlo sin perjudicar las travesias, caminos y servidumbres; lo disfrutará libre y esclusivam'te destinandolo al uso ó cultivo que mas le acomode, pero dentro de un año fabricara casa y estará habitada.

[12 S. D. K.]

2o. Solicitará del juez respectivo que le de posesion juridica en virtud de este despacho por el cual se demarcaran los linderos, en cuyos limites pondra á mas de las mojoneras algunos, arboles, frutales, ó silvestres de alguna utilidad.

3o. El terreno de que se hace donacion es de cinco sitios de ganado mayor, poco mas ó menos segun explica el diceño que corre agregado en el espediente. El juez que diere la posecion lo hará medir conforme à ordenanza quedando el sobrante que resulte á la nacion para los usos convenientes.

4o. Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro á que corresponde, y se entreque al interesado para su resguardo y demas fines.

13 S. D. K.

Espediente de Estefana Robles, perteneciente al Terreno de S'n Miguelito.

[14 S. D. K.]—Sello Cuarto, Una Cuartilla.

Habilitado provisionalmente la administracion de la Aduana Maritima de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

FIGUEROA. A. RAMIREZ.

Señor Comand'te G'ral y Gefe Politico:

Manuel Ferrer, hijo natural de la estinguida mision de S. Antonio, ante V. S. con la mayor, sumision y respeto comparece y dice que; allandose emancipado y favorecido por la ley para hacer uso de su trabajo y lograr de los sufrutos tanto, para su mantension como para la numerosa familia que tiene, nunca se le ha dejado en la plena libertad con que á los Indigenas se ha dignado obsequiar el gobierno general.

Pues es el caso de que todavia hasta la presente fecha se alla el que representa sirviendo y esclavizado tanto su persona como la se su muger tributando el servicio á la ya espresada, mision sin tener de estos trabajos el mas leve sueldo y evitando con autoridad el que viva en el rancho nombrado de San Miguelito, adonde con anticipacion pidio al comisionado para la secularizasion que le diese sus tierras, para hacer los que ha ceres que pertenescan á el beneficio de su persona y familia.

Por tanto y por todo lo espuesto a V. E. suplica el que en obsequio de la justicia se digne el pasar una orden al esponente para que haya uso de su libertad y trabage, en todo aquello que pertenesca á su propiedad.

A V. S. reitera su suplica, mande hacer como lleva pedido pues en ello recibirá gracia y merced.

MONTEREI, *Junio* 22, *de* 1835.

Pase al comisionado de la mision de S. Antonio, quien atendera al interesado conforme á las leyes é instrucciones q'l tiene de este gobierno, sobre la materia.

FIGUEROA.

[15 S. D. K].—Visitaduria General de Misiones.

SAN ANT'O, 6 *de Agosto, de* 1839.

La vienda del difunto representante y sus hijos estan libres para trabajar en donde les convenga y no hay embarazo alguno para que sigan sembrando el rancho de San Miguelito.

GUILL'O EDU'O HARTNELL.

SAN ANTONIO—

[16 S. D. K.]—[Sello Cuarto, Una Cuartilla.

Habilitado provicionalmente por la administracion de la Aduana Maritima de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

FIGUEROA. A. RAMIREZ.]

— JUNIO 15, de 1835.

S'or Com'te G'ral y Gefe Politico,

MANUEL FERRER,

No se firmar.

Señor Visitador General de Misiones, D'n Guillermo Ed'o Hartnell:

La que suscribe, ante la recta justificacion de V. en la mejor forma que en dro. halla lugar comparece y dice; que hallandosne en posecion de una parte de tierra en el rancho de San Miguelito, que le fue concedida por el gobierno a mi difunto esposo, para q. con mas desahogo mantubiese á su familia, como tambien su libertad y emancipacion de esta mision, cuya gracia he disfrutado en mi viendez con mi familia hasta el dia, y para que en algun tiempo no se me ponga embarazo, ocurro á la rectitud de V. para q. en obsequio de la justicia se digne de confirmarlo ahora que se halla V. en la visita de esta mision; juro no ser de malicia y lo necesario, &c.

[17 S. D. K.] ESTEFANA ROBLES.

Mision de S. San Ant'o de Padua, Ag'to 5, de 1839.

18 S. D. K.

MONTEREY, 25 *de* 8'*bre, de* 1839.

[Gob. del Depart'o de la Alta California.—Mex. Eagle.] Vista la solicitud de la que representa la ocupacion de cuatro años que tiene en el terreno y casa que pide, y la disposicion del S'or Vicitador con todo lo demas que se tubo presente, he venido en concederle provicionalmente á la parte de Estefana Robles, natural de la ex-mision de San Antonio, el terreno q'l actualmente tiene cercado y la casa que ocupa, sujeto á la condi-

cion de no poderla vender ni enagenar, perdiendo el derecho al terreno si contraviniere á esta prevencion. El S. D'n Manuel Jimeno Casarin, primer vocal propietario de la Ex'ma Junta del departam'te de las Californias, en ejercicio del gob'no del mismo, asi lo mandó, decretó y firmo, de que doy fée.

18 S. D. K.

Concuerda con su original que existe en la secretaria de gobierno, de que doy fee.

MAN'L JIMENO.
FRANCISCO C. ARCE,
Oficial Primero.

MONTEREY, 24 *de Julio, de* 1841.

La antecedente concesion pasa á favor de D. Rafael Gonzalez, por haber indemnizado y obtenido el derecho que tenian en el terreno los Indigenes de San Antonio, Apolinario Mendoza, su esposa Estefana, he hijos legitimos Gamaniel Seran, perfecta y jacinta, segun consta en la escritura respectiva.

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such now having in my office, and under my charge and custody, a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify that the nineteen preceding, and hereunto annexed, pages of tracing-paper, numbered from one to nineteen inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents now on file and forming part of the said archives in my office.

In testimony whereof, I have hereunto subscribed my name, officially, and affixed my private seal, (not having a seal of office,) at the city of San Francisco, Cal., this 12th day of January, 1852.

SAM'L D. KING,
Surv'r G'ral, Cal.

Filed Feb'y 9th, 1852.

GEO. FISHER, *Sec'y.*

Jusgado de Monterey.—Año de 1842.

Titulo medicion y posesion judicial del rancho S. Miguelito de la Trinidad, propio del S'or D. José R. Gonzalez.

[J. W.]—Sello 1o, Seis Pesos.

Habilitado provisionalm'te par la Aduana Maritima de Monterey, para los años de 1839 y 1840.

ANTONIO M'A OSIO.

ALVARADO.

Volga para los años de 1841 y 1842.

ANTONIO M'A OSIO.

ALVARADO.

[Ad'a Marit'a de Mont'y. Mex. Eagle.] Juan B. Alvarado, Gobernador constitucional del departamento de las Californias.

Por cuanto D. José Rafael Gonzalez, Mejicano por nacimiento, ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de San Miguelito, colindante al norte con el portezuelo, al sur con la playa, al oriente con la agua del gabilan como comprendida al terreno y al poniente hasta la sierra conocida por de las piedras; practicadas previamente las diligencias y aberiguaciones concernientes segun lo dispuerto por leyes y reglamentos usando de las faculdades que me son conferidas á nombre de la nacion Mejicano he venido en concederle el terreno mencionado, declarandole la propiedad de el por las presentes letras sujetandose á la aprovacion de la Ex'ma Junta Departamental y á las condiciones siguientes:

1a. Podra sercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutara libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada.

2a. Solicitará del juez respectivo, que le posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra á mas de las mojoneras algunos, arboles, frutales, ó silvestres de alguna utilidad.

3a. El terreno de que se hace donacion es de cinco sitios de ganado mayor, poco mas ó menos segun explica el diceño que corre agregado en el espediente. El juez que diere la posecion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la nacion para los usos convenientes.

4a. Si contravIniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro á que corresponde y se entreque al interesado para su resguardo y demas fines.

Dado en Monterey, á veinte y cuatro de Julio, de mil ochocientos cuarenta y uno.

JUAN B. ALVARADO.

J. W. (2.) MAN'L JIMENO, *S'rio.*

Queda tomada razon de este despacho en el libro de acientos sobre adjudicacion de terrenos baldios, a foja 5 va.

JIMENO.

El Ex'mo S'r Gobernador ha dispuesto se tome razon de esta conasion en la prefectura del primer districto.

JIMENO.

MONTEREY, *Enero* 3, *de* 1842.

En complim'to del sup'r decreto q. antecede, tomese razon.

ESTRADA.

Se tomo razon de este sup'r titulo á f. 4 del libro respectivo—fecha ut supra.

MAN'L CASTAÑARES, *S'rio.*

Tabla.

No.

1.—Playa.
2.—Camino para la playa.
3.—Sierra.
4.—Rio de la Sierra.
5.—Ojo de agua del Gabilan.
6.—Arroyo del Gabilan.
7.—Camino de San Carpojoro.
8.—Piedras del Gabilan.
9.—Camino para el rancho del Piojo.
10.—Camino para el rancho.
11.—Rancho de S'n Miguel.
12.—Sienega.
13.—Tierra de labor.
14.—Tierra de riego.
15.—Casa de Marcelo.
16.—Lomas muertas.
17.—Id. del Venado.
18.—Piedras del Portezuelo.
19.—Cañada de las Piedras.
20.—Arroyo de las Piedras.
21.—Cañada del rancho.
22.—Majada de Borregos.
23.—Surco de agua de la Sienega.
24.—Lomas muertas de la playa.
25.—Ojo de Agua.
26.—Arroyo de la Sienega.

[*For map see original, between pages* 32 *and* 33.]

[Sello Tercero, Dos Reales. (5)

Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta, y mil ochocientos cuarenta y uno.

ANTONIO MARIA OSIO.

XIMENO.

Revalidado pa. los años de 1842 y 1843.

ALVARADO.
ANTONIO MA. OSIO.]

—que subscribe, secretario del Gobierno del Departamento de las Californias; certifico que el diceño que se acompaña, rubricado y sellado por la secretaria es ecsactamente igual al original, que corre agregado al esped'te perteneciente á D. José Rafael Gonzales.

MANL. JIMENO.

MONTEREY, *Septiembre* 24, 1842.

Sello Tercero, Dos Reales. (6)

Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta, y mil ochocientos cuarenta y uno.

ANTONIO MARIA OSIO.

XIMENO.

Revalidado para los años de 1842 y 1843.

ALVARADO.

ANTONIO MA. OSIO.

[Ada. marita. de Monty. Mex. Eagle.] S'or Juez de Paz y de 1a instancia: José Rafael Gonzalez, vecino de esta demarcacion ante V. como mas haya lugar en derecho paresco, y digo que abiendoseme concedido por el Gobierno Departamental un terreno que contiene sinco sitios de ganado mallor, en limites del establecimiento de Sn. Antonio, como consta del titulo original, y copia autorisada diceño que debidamente acompaño pido á Vd. á Vd. se sirva procederá darme la posecion juridica, y señarme los limites que corresponden á dicho terreno que ha de titularse desde ahora para lo de adelante Sn. Miguelito de la Trinidad, y para no perjudicar ni que me perjudiquen mis colindantes suplico a V. P. T. se cirba V. mandarlos sitar para el dia en que V. tenga á bien proseder á la posecion que rrespetuosamente pido, mandando se me de o entre originar del espediente que se instituya con este escrito, y lo demas que convenga á mi seguridad que es justicia que imploro jurando no proceder de malicia con lo necesario, &c.

JOSE RAFAEL GONZALEZ.

MONTEREY, 27 de Fre., de 1842.

Monterey, fha ut supra.

Por presentado con los documentos que espresa citense á los circumvecinos por boletas de comparendo, y procedase por mi á la vista de ojos en reconocimiento de linderos y medicion del terreno concedido; todolo cual y demas que se practicare para la juridica posecion que se pide entiendase que es á reserva de la aprobacion de la E. Junta Departamental. Asi yo José Z. Fernandez, juez de paz y de 1a instancia, actuando con dos testigos de asistencia, por falta de escribano lo mandé y firmé.

FERNANDEZ.

Ass'a: JOSE A. CHAVEZ.

En la fecha presente el Co. José Rafael Gonzales, se le hizó saber el auto anterior y entendido, dijo lo oye; y de quedar enterado de su contenido lo firmo.

FERNANDEZ.
JOSE RAFAEL GONZALES.

Ass'a: JOSE A. CHAVEZ.

En la espresada capital hoy veinte y—

[Sello Tercero, Dos Reales.

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta, y mil ochocientos cuarenta y uno.

ANTONIO MARIA OSIO.

XIMENO.

Revalidado para los años de 1842 y 1843.

ALVARADO.
ANTONIO MA. OSIO.]

[Ad'a Marit'a de Monty. Mex. Eagle.] —ocho de Septiembre, de mil ochocientos cuarenta y dos, señal lé para la vista de ojos y medicion del terreno el dia cinco del procsimo mes de Octubre, haciendose saber al interesado y circumvecinos.

FERNANDEZ.
(Ass'a.)

Ass'a: JOSE A. CHAVEZ.

En la fecha se hizó saber al interesado el auto anterior y entendido, dijo lo oye, que se dá por citada y firmó para constancia.

FERNANDEZ.
JOSE RAFAEL GONZALEZ.
(Ass'a.)

Ass'a: JOSE A. CHAVEZ.

En el mismo dia se libraron boletas de comparendo al mayordomo del establecimiento de San Antonio, y al C. Mariano Soberanes, para que como colindantes al espresado rancho titulado S. Miguelito de la Trinidad, comparezcan en sus respectivos linderos el referido dia cinco á las seis de la mañana; y para que conste por diligencia lo rubrico.

RUBRICA.
(Ass'a.)

Ass'a: JOSE A. CHAVEZ.

En el establecimiento de San Antonio a cuatro de Octubre, de mil ochocientos cuarenta y dos, presentes el C. José Rafael Gonzalez, como dueño del rancho San Miguelito, Francisco Rosas Leavero y en representacion del mayordomo de este establecimiento, y Mariano Soberanes, dueño del rancho titulado los ojitos, ambos colindantes del primero

nombré por medidores á los C. C. José Antonio Valencia y Bernabé Garcia, y admitidos por los interesados, hagan les saber á los nombrados, para que si aceptan se presenten á prestar el ju—

[Sello Tercero, Dos Reales.

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

XIMENES. ANTONIO MARIA OSIO.

Revalidado p'a los años de 1842 y 1843.

ALVARADO. ANTONIO M'A OSIO.]

[Ad'a Marit'a de Monty. Mex. Eagle.] —ramento de estilo; por cuyo auto lo mandé y firmé.

FERNANDEZ.
JOSE RAFAEL GONZALEZ.
(Ass'a.)

Ass'a: JOSE A. CHAVEZ.

En el acto y dicho establecimiento presentes los C. C. José Antonio Valencia y Bernabé Garcia, se les notificó el auto anterior y entendidos, dijeron lo oyen y que aceptaban y aceptaron el nombramiento de medidores; jurando por Dios nuestro Señor y una señal de Cruz, de usar fiel y legalmente su en cargo, á todo su leal saber y entender, sin dolo ni fraudé en contra de los interesados y circumbecinos; no firmandó, por que dijeron no saber lo hizé yo con los de mi assistencia.

FERNANDEZ.
(Ass'a.)

Ass'a: JOSE A. CHAVEZ.

Incontinenti yo el repetido juez mandé traer á mi presencia un cordel de ilo con el que se han de medir las tierras y que lo dispongan los medidores segun costumbre, firmando para const'a.

FERNANDEZ.
(Ass'a.)

Ass'a: JOSE A. CHAVEZ.

En la misma fecha en mi presencia los repetidos medidores tomaron un cordel de hilo, torcido, encerado y bien tirado, y en una vara de medir usual Mejicana, medieron hasta el numero de cincuenta varas; cuya medida—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarento y mil ochocientos cuarenta y uno.

XIMENO. ANTONIO MARIA OSIO.

Revalidado para los años de '842 y '843.

ALVARADO. ANTONIO MA. OSIO.]

[Ada Marita. De Mont'y. Mex. Eagle.] —se hizó fiel y legalmente á vista ciencia y paciencia del interesado y circumbecinos, por lo cual mando se pongo por diligencia y se proceda á las medidas de dichas tierras como está ordenado; firmando para constancia.

FERNANDEZ.

Ass'a: José A. Chavez. (Ass'a.)

Estando en el campo y tierras pertinecientes al rancho titulado S. Miguelito de la Trinidad, hoy cinco de Octubre de mil ochocientos cuarenta y dos, yo el juez referido, presentes los C. C. José Rafael Gonzalez, como dueño del espresado rancho, Mariano Soberanes por si, Francisco Rosas por el establecimiento de S. Antonio, como colindantes, y José Antonio Valencia y Bernabe Garcia medidores nombrados, mandé se me señalasen los terminos y linderos que reconocia dicho rancho: á su consecuencia, para mayor claridad, puestos todos á caballo se me mastró un portezuelo que contiene tres grandes peñascos divididos por alguna distancia, siendo este el lindero con el establecimiento de S. Antonio, desde donde habiendose buelto á medir y reconocer el cordel y ratificado los medidores su juramento se compieron las medidas, atravesando por lo area plana, rumbo al S. hasta llegar al pié de la sierra, para donde se atravesó un rio que quedó fuera de medidas, y hubo noventa y nueve cordeles, no habiendose encumbrado á dicho sierra por lo escarpado de ella, siendo—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Ximeno. ANTONIO MARIA OSIO.

Revalidado pa. los años de 1842 y '843.

Alvarado. ANTONIO MA. OSIO.]

[Ada. Marita. de Mont'y Mex. Eagle.] —impracticable su medicion; desde dicho punto se retrocedio al primer lindero conocido por el portezuelo, y habiendose me manifestado que la distancia que hay desde aquia á la piedro del Gabilan eccede muy poco de tres leguas cuyo terreno quebrado no proporciona suficiente comodidad para medirse, fueron todos de opinion y aseguraron los medidores que tirando una recta desde la sierra del rumbo del O., que en el diseño se encuentra marcada por mi con la letra A. pasando por el portezuelo, marcado con la misma letra, hasta llegar á las piedras del Gabilan rumbo al E., señolado con dicha letra: desde este punto tirando otra linea para el sur, hasta llegar a la sierra que corre de S. E. á S. O., siendo el lindero el punto marcado con la letra B. en dicho diseño; y desde aqui corriendo por la misma sierra con rumbo al O., hasta el puente marcado con la letra C. sé halian los cinco sitios de ganado mayor, que tocan y pertenecen á D. José Rafael Gonzalez por concesion hecha por el Gobierno del departamente, á reserva de la aprobacion de la E. junta departamental; por lo cual siendo todos conformes á ciencia cier a de

los colindantes y medidores ordené al repetido Gonzalez, que para permanencia y claridad de los linderos que van espresados hiciese á su costa y mencion unas mojoneras de piedra, y cal en altos de mas de vara y sean fabricados en los puntos que se han relacionado, y quedan marcados por mi en el diseño con las letras—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

XIMENO. ANTONIO MARIA OSIO.

Revalidado pa. los años de '842 y '843.

ALVARADO. ANTONIO MA. OSIO.]

[Ad'a Marit'a de Mont'y. Mex. Eagle.] —A, B, C, para que en todo tiempo cons'te, se observen y queden por terminos y linderos de sus tierras por los circumbecinos á ellas. Y para que conste por diligencia firmaron con migo los que supieron y de mi asistencia; doi fe.

JOSE RAFAEL GONZALEZ.
JOSE Z. FERNANDEZ.

Ass'a: JOSE A. CHAVEZ. (Ass'a.)

En el mismo dia, yo el repetido juez mandé que en vista de haberse hecho el señalam'to del terreno conocido por S. Miguelito, se ponga á D. Jose R. Gonzalez en posecion juridica de el, notificandosele y firmando pa. constancia.

FERNANDEZ.

Ass'a: JOSE A. CHAVEZ. (Ass'a.)

En la fecha se notificó al interesado y circumvecinos el auto anterior y entendidos dijeron lo ayen, firmando los que supieron, con migo y los de asistencia.

RUBRICA.
JOSE RAFAEL GONZALEZ.

Ass'a: JOSE A. CHAVEZ. (Ass'a.)

En el rancho de San Miguelito de la Trinidad, siendo como las tres de la tarde del mismo dia, mes y año, el S'r D. José R. Gonzalez, acompañado de mi el espresado juez y testigos, con animo, segun dijo dicho S'r Gonzalez, de tomar la verdadera y corporal posesion del paraje que se le ha señalado, por pertenecerle con justo titulo, que obtuvo del gobierno de este departamento de fecha veinte y cuatro de Julio, de mil ochocientos cuarenta y uno, quedando el interesado á las resultas de la aprobacion de la E. junta departamental, entro y paró por ellas, arrancando yerbas, esparciendo puñados de tierra, rompien—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la Aduana Maritima del puerto de

Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

XIMENO. ANTONIO MARIA OSIO.

Revalidado pa. los años de 1842 y 1843.

ALVARADO. ANTONIO M'A OSIO.]

—do ramas y haciendo otros actos y ceremonias de verdadera posecion, en señal de lo que dijo tomar y tomaba de dichas tierras, quieta y pacificamente sin la menor contradiccion por ninguna de las partes, y yo el juez doi fè, de haber presenciado cuanto se relaciona y mando que desde ahora se tenga y reconoco al mencionado D. José R. Gonzalez, por verdadero señor y poseedor de dichas tierras, dando como doi testimonio de todo lo referido y entregando original este espediente, á la parte para memoria y conservacion de sus derechos segun como se me ha pedido, quedando como queda autorizado en debida forma segun derecho.

FERNANDEZ.

JOSE RAFAEL GONZALEZ.

Ass'a: JOSE A. CHAVEZ. (Ass'a.)

En la fecha se entregó el original á la parte de D. José R. Gonzalez este espediente constante de doce fojas; y para que conste lo rubriqué.

RUBRICA.

Ass'a: JOSE A. CHAVEZ. (Ass'a.)

Translation—C.

Espediente—instituted by Don José Rafael Gonzalez, soliciting the grant of the place designated as San Miguelito, in the year 1841.

(243.)

Most excellent Señor Governor of this Department:

The citizen José Rafael Gonzales exposes with all due respect before your excellency's known justice, that he being a Mexican by birth, and at this time dwelling in this department, and having rendered services to my country, ever since the year 1810, without reckoning the double time spent in active campaign, consequently devoting to his country's service his best years, it appearing thereby that he has devoted the best part of his age to the service of his country, he finds himself at present in an advanced age, broken down in health, and desirous of making some final settlement, so as to be enabled to rest from his troubles and fatigues, and therefore, if my services are held in consideration after all what I have just mentioned, I wish and expect to obtain from your excellency's uprightness and public benevolence, that you may grant to me, in view of my final settlement, the ownership of the site called San Miguelito, lying near the Mission of San Antonio, and according to the sketch which I have the honor to transmit to your excel. I do not doubt that the rural settlement which I intend to establish in it, in case of it being granted to me, will become a useful

one to the country; and whereas, the lands that I request to obtain are two sitios de ganado mayor, or two square leagues, wherein is to be comprised a (cienega) swampy pool, which prevents partially the raising and breeding of cattle in that same place; I request, that on the northern part the grant may reach to the rock that lies on the Portesuelo, and on the south up to the beach; on the east up to the water of "El Gabilan," (the Hawk,) which is to be comprised within the grant, and on the west up to the sierra known under the designation of de las Piedras.

Therefore, I request Y. E., that, if you deem it right, you accede to my petition, by which I will receive justice and remuneration for my numerous services.

Monterey, on the 1st day of May, 1841.

(Sgd.) JOSE RAFAEL GONZALEZ.

EXCELLENT SIR.

[SEAL.] MONTEREY, *May* 17*th*, 1841.

Let this petition be referred to the prefect of the 1st district, in order that he may order to make the due reports on the subject, and then he is to send it back duly reported for my decision.

(Signed) ALVARADO.

SAN JUAN DE CASTRO, *May the* 20*th*, 1841.

In compliance with the preceding superior decree, let this memorial be transferred to the party in charge of the settlement of San Antonio, in order that he may report on the subject. The prefect and his sec'y being sick, this is signed by M. Castañares, (secretary of State.)

SAN ANTONIO, *June the* 1*st*, 1841.

In compliance to the superior order of the señor prefect of the 1st district, under date of the 20th of May, of the present year, I report that the site solicited by citizen lieutenant Dn. Rafael Gonzalez is vacant, for, although at the present time there is a "Neajita" (converted Indian woman) named "Estefana," dwelling on the aforesaid place, to whom the deceased General Figueroa granted a parcel of land for culture, she does not improve it, neither does the Mission of San Antonio require it for any useful purpose, since said mission has no cattle to occupy it with; on said location there is a cottage with two rooms in a state of deterioration, being built in adobes, and moreover, as the Indians are becoming worse, and it becomes every day more imperative to occupy the lands with civilized people and with property.

(Signed) JOSE DE JESUS PICO.

MOST EXCELLENT SIR:

Don Rafael Gonzalez, by means of the present memorial, addresses himself to your excellency's goodness, in order that you may be kind enough to grant to him the ownership of the lands known under the designation of San Miguelito, belonging to the settlement of San Antonio.

This prefectship has seen with a due sense of regard the services

rendered by S'or Gonzalez, and of which he makes a simple detail in his request; but such is not the motive that moves the prefectship to forward his views and give an opinion favorable to the accomplishment of the same, but rather the diligent and enterprising character of the party. Therefore, if it should so please Y. E., this prefectship is of opinion, that the party's request ought to be acceded and attended to.

(Signed) JOSE F. CASTRO.

Most Excellent S'or Governor:

I, citizen Jose Rafael Gonzalez, half-pay lieutenant, and at the present time a settler of this department, before your excellency's acknowledged sense of justice, with due respect, and according to the solemn forms of law, do declare, that, whereas the two sitios de ganado mayor that I have solicited, and which are about to be granted to me in the place of S. Miguelito, are not sufficient for the maintenance and increase of my cattle. I beg Y. excellency, that on account of the services by me rendered to the nation, which I can prove, you may be pleased to grant me in ownership, to the extreme of five sitios de ganado mayor, more or less, which is embraced in the aforesaid place of San Miguelito, as it appears from the sketch accompanying the expediente. Therefore, I beg of your excellency, that you have the goodness to decree as prayed for, whereby I shall receive favor and justice.

Monterey, July, 1841.

(Signed) JOSE RAFAEL GONZALEZ.

To the Most Excellent Sir:

Names.		Numbers.
1	-	Beach.
2	-	Road leading to the beach.
3	-	Sierra or bridge of mountains.
4	-	Sierra river.
5	-	Spring of the Gabilan or Hawk.
6	-	Hawk's brook.
7	-	St. Corpaphoras road.
8	-	Hawk's rocks.
9	-	Road leading to the rancho "del Piojo" or of the Louse.
10	-	Road leading to the San Miguelito.
11	-	Cienega or marsh.
12	-	Rancho de S. Miguelito.
13	-	Arable land.
14	-	Land susceptible of irrigation.
15	-	Maralass house.
16	-	Lomas muertas or low hills.
17	-	"Idem del veneda," Deer-hills.
18	-	Rocks of the Portezuelo or of the small pass.

19 - Rocky valley, (Cañada de las Piedras.)
20 - Arroyo de Piedras or Stony brook.
21 - Cañada or glen of the rancho.
22 - Majada de Borregas, Sheep cote.
23 - Swamp creek.
24 - Low hills of the beach.
25 - Spring.
26 - Mouth of the swamp Cienega.

MONTEREY, *July the 24th*, 1841.

After due inspection of the petition which is the beginning of this expediente, and of the report of the person in charge of the settlement of San Antonio, together with that of the señor prefect of the 1st district, and the new petition by which an extension of the lands comprised in the sketch is solicited, and all other matters considered necessary to the purpose, in due conformity with the laws and regulations on this subject; I hereby declare Don José Rafael Gonzalez the owner in fee of the place known by the name of San Miguelito, bordering on the north with a (portesuelo) or gap, on the south with the beach, on the east with the Agua del Gavilan, (or waters of the Hawks, which is contained within the land, and on the west to the sierra or ridge of mountains known as "De las Piedras," to the extent of five sitios de ganado mayor. Let the proper despatch be issued, wherein the stipulated conditions are to be specified; let a registry thereof be made in the proper book, and let this expediente be transmitted to the most excellent departmental assembly for its approval. S'or Don Juan B. Alvarado, constitutional governor of the department of the Californias, thus ordered, decreed, and signed it all, of which I attest.

JUAN B. ALVARADO,
Constitutional governor of the department of the Californias.

Inasmuch as Don Rafael Gonzales, Mexican by birth, has solicited for his own personal benefit and that of his family the place known by the name of San Miguelito, bounded on the north with the Portesuelo or Small Pass, on the south with the beach, on the east with the waters of the "Gavilan," as embraced within the lands, and on the west to the *the* sierra, known as tha tof "De las Piedras,"—all the necessary steps and investigations having been previously taken, according to the provisions of the laws and regulations on the subject—in the exercise of the authority conferred on me in the name of the Mexican nation, I have determined to grant to him the aforesaid land, declaring him to be the owner in fee of it by these presents, subject to the approval of the most excellent departmental assembly, and upon the following conditions:

1st. He may fence it, without prejudicing the crossings, roads, and servitudes; he shall enjoy it freely and exclusively, appropriating it to what use or culture may best suit him—but within a year he is to build a house, and shall be inhabited.

2d. He shall solicit of the proper magistrate to give him juridical possession thereof, in virtue of this dispatch, by whom the boundaries shall be marked out; on the limits of which he is to put, besides the landmarks, some fruit or useful forest trees.

3d. The extent of land granted is of five sitios de ganado mayor, more or less, as it appears by the sketch annexed to this espediente. The judge who shall give the juridical possession shall cause it to be measured according to ordinance, and the excess that may result is to remain to the nation for its convenient uses.

4th. Should he contravene with any of these conditions, he shall lose his right to the land, and it shall be denouncible by another.

Consequently, I order that this title, being held as firm and valid, it may be registered in the proper book and delivered to the interested party, for safety and other ends.

An Espediente of Estefana Robles, concerning the lands of San Miguelito.

S'or Commander General and Political Chief:

Manuel Ferrer, a native son of the ex-mission of San Antonio, before your lordship, with the utmost submission and respect, appears and says: That he, being emancipated by the laws to make use of his labor and to profit by it, so as to be able to provide for the means of support of himself and of his numerous family—but he has never been left with his entire freedom, which the general government has been pleased to award to the natives:

And, indeed, it so happens, that as yet, and up to this day, the petitioner finds himself in the condition of servant and slave—and not only he himself, but his wife likewise—doing tributary service in behalf of and for the aforesaid mission, without receiving the least compensation for this work; but, on the contrary, he has been prevented authoritatively from dwelling in the rancho known as San Miguelito, where he had, in anticipation, petitioned the commissioner for secularization to grant him the lands thereof, so as to be enabled to do the needful towards the support and welfare of himself and of his family:

Therefore, in consideration of all what precedes in this petition, he begs of your lordship that, for justice sake, you be pleased to send a decree to your humble petitioner, empowering him to enjoy and use his freedom, and to work for himself; and for all that may belong to his property he begs anew of y. lordship to grant as petitioned for, and by your so doing the petitioner will receive grace and mercy.

San Antonio, June the 15th, 1835.

To the Señor Commander General and Political Chief.

MANUEL FERRER.
(I don't know how to sign.)

MONTEREY, *June 22d*, 1835.

Let it be referred to the commissioner in charge of the mission of San Antonio, who shall attend to the petitioner's request, according to the law and instructions he has from this government on the matter.

(Signed) FIGUEROA,
Inspector General of the Mission.

SAN ANTONIO, *August 6th*, 1839.

The widow and children of the deceased petitioner are free to work where it may best suit them; and there is no impediment whatsoever for the continuing to till on the rancho of San Miguelito.

(Signed) WILL'M ED. HARTNELL.

S'or Inspector General of the Mission, Don Guillerma E. Harnell:

The undersigned, before your sense of justice, and in the best legal forms, appear and say, that I, at the present time, *that* being in possession of a part of the land in the rancho de San Miguelito, which was granted by the government to my deceased husband, in order that he might provide for his family's support with more comfort, as well as for their liberty and emancipation from this mission—which favor I have enjoyed during my widowhood, together with my family, to the present day—so that no obstacle may be offered to us henceforward, I appeal to your worship's sense of justice, so that, in the administration of justice, your worship may be pleased to confirm it now, while you are on a tour of inspection in this mission. I swear I do not proceed in malice. I also swear to all that may be necessary, &c.

Mission of San Antonio de Padua, August the 5th, 1839.

(Signed) ESTEFANA ROBLES.

MONTEREY, *October 25th*, 1839.

After due inspection of the petitioner's request, together with the fact of the occupation during a space of four years she has had of the premises, namely, the land and the house she wishes to obtain, and also the decision of the señor inspector, and with all which, as made apparent, I have resolved to grant temporarily to Estefana Robles, a native of the ex-mission of San Antonio, the land which at the present time she has under and within enclosure, and the house which she occupies; subject to the condition, that she shall not be able to sell or alienate it, under penalty of losing her right to the land if she should violate this order. S'ñor Don Manuel Jimeno Casarin, senior member of the most excellent departmental assembly of the Californias, acting as governor of said department, thus ordered, decreed, and signed it—which I attest.

It agrees with its original, existing in the office of the secretary of the government—which I attest.

(Signed) MANUEL JIMENO,
(Signed) FRANCISCO C. ARCE,
Chief Clerk.

Monterey, July the 24th, 1841.

The foregoing grant passes in favor of Don Rafael Gonzalez, having indemnified and obtained the right in the land held by the natives of San Antonio, named Apolinaria Mendoza, his wife Estefana, and their children, Gamaniel Seran, Perfecta, and Jacinta, in the proper instrument of writing.

I certify the foregoing to be a true and correct translation, as corrected, of the authenticated fac simile copy of the original Spanish document on file in the surveyor general's office; which fac simile copy is on file in this office in case No. 27, José Rafael Gonzalez.

GEO. FISHER, *Sec'y.*

Filed in office, Feb'y 9th, 1852.

GEO. FISHER, *Sec'y.*

COUNTY OF MONTEREY, 1842.—Title, measurement, and judicial possession of the rancho San Miguelito de la Trinidad, belonging to Don José Rafael Gonzales.

Stamp 1st, $6.

Established provisionally by the custom-house department of Monterey for the years 1839 and 1840.

ANTONIO MA. OSIO.

ALVARADO.

Be this stamp valid for the years 1841 and 1842.

ANTONIO MA. OSIO.

ALVARADO.

Juridical Possession.

[SEAL.] Juan B. Alvarado, Constitutional Governor of the Department of the Californias.

Whereas, Don José Rafael Gonzales, a native Mexican, has solicited for his personal benefit, and that of his family, the land known by the name of San Miguelito, bounded on the north by the "Portezuelo," on the south by the sea-shore, on the east by the "Agua del Gavilan," as comprised in the land, and on the west by the range (sierra) known as "Las Piedras," the previous measures having been taken, and requisite investigations made agreeably to the laws and regulations, I have, in the name of the *name of the* Mexican nation, and in virtue of the authority in me vested, granted to him the above-mentioned land, declaring to him the ownership thereof by these presents, subject to the approbation of the most excellent departmental assembly, and to the following conditions:

1st. He may inclose it without prejudice to the crossings, highways, and servitudes, (servidumbres.) He shall enjoy it freely and exclusively, destining it to the use or cultivation which may best suit him, but within a year he shall build a house, and it shall be inhabited.

2d. He shall solicit of the respective magistrate the judicial possession thereof in virtue of this title, whereby the boundaries shall be

traced out in the limits which he shall put besides the landmarks, some fruit trees, or wild ones of some utility.

3d. The land of which donation is made consists of five sitios of large cattle, (five square leagues,) more or less, as the map attached to the espediente explains. The magistrate who gives possession shall cause it to be measured according to law, and the ownership which these may be shall remain to the nation for the necessary uses.

4th. If he shall violate these conditions, he shall forfeit his right to the land, and it may be denounced by another.

I consequently command that this title being held as firm and valid, a record thereof be made in the proper book, and it be delivered to the party interested for his security and other ends.

Given in Monterey on the 24th of July, 1841.

JUAN B. ALVARADO.
MANUEL JIMENO, *Sec'y.*

Entered in the book of records on the adjudication of unoccupied lands, on the reverse of folio 6.

JIMENO.

His excellency, the governor, has directed that an entry of this grant be made in the prefecture of the first district.

JIMENO.

MONTEREY, *Jan'y* 3, 1842.

In compliance with the preceding superior decree, let the entry be made. ESTRADA.

An entry of this superior title was made in the respective book, p. 4, on the date above written.

MANUEL CASTANARES, *Sec'y.*

Stamp 3d, 2 reales.

Established provisionally by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years 1840 and 1841.

ANTONIO MA. OSIO.

JIMENO.

Confirmed for the years 1842 and 1843.

ANTONIO MA. OSIO.

ALVARADO.

I, the undersigned, secretary to the government of the department of the Californias, certify that the accompanying map, signed and sealed by the secretary, is exactly similar to the original attached to the espediente belonging to José Rafael Gonzales.

MANUEL JIMENO.

MONTEREY, *Sept. 24th*, 1842.

Index to the accompanying map.

No.
1.—Seashore, (Playa.)
2.—Road to the seashore.
3.—Range of mountains.
4.—River (de la Sierra) of the Mountain.
5.—Gavilan spring, (Ojo de agua del Gavilan.)
6.—Gavilan creek.
7.—Road to San Carpoforo.
8.—Gavilan rocks, (Piedras del Gavilan.)
9.—Road to the Rancho del Piojo.
10.—Road to the Rancho.
11.—Rancho San Miguel.
12.—Marsh.
13.—Land under or susceptible of cultivation, (tierra de labor.)
14.—Irrigable land.
15.—Marcello's house.
16.—Low hills.
17.—Deer-hills.
18.—Portezuelo rocks, (Piedras del Portezuelo.)
19.—Rock valley, (cañado de las piedras.)
20.—Rocky creek.
21.—Valley or dale of the rancho.
22.—Sheepfold.
23.—Trench fromthe marsh.
24.—Low hills of the seashore.
25.—Spring.
26.—Marsh creek.

Stamp 3d, 2 reales.

Authenticated temporarily by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years 1840 and 1841.

ANTONIO MARIA OSIO.

JIMENO.

Confirmed for the years 1842 and 1843.

ANT. M. OSIO.

ALVARADO.

[SEAL.] To his honor the Justice of the Peace and Judge in 1st instance.

I, José Rafael Gonzales, a resident of this jurisdiction, appear before you in the most legal manner, and say, that the departmental government having granted me a tract of land which contains five square leagues in the limits of the establishment of San Antonio, as appears by the original title and authenticated copy of the map, which

I duly present, I ask that you will be pleased to proceed to give me the juridical possession of said tract, and mark out to me its corresponding boundaries to said tract, to be henceforth called "San Miguelito de la Trinidad;" and in order that I may not encroach upon or prejudice my neighbors, nor they me, I request that you will be pleased to cause them to be cited for the day on which you shall think proper to proceed to the giving of the possession which I respectfully ask, and that you order the original of the espediente, which may be drawn up, together with this writing, and whatever may conduce to my security, to be given or delivered to me; for all which I pray, protesting that I do not act with malice, etc.

JOSE RAFAEL GONZALES.

MONTEREY, *Sept.* 27, 1842.

MONTEREY, (date as above.)

This being presented or on file (por presentada) with the documents mentioned, let the conterminos neighbors be cited in writing to appear, and I shall proceed personally to the ocular survey of the boundaries and measurement of the land granted. All of which, together with the other proceedings, which may be instituted for giving the judicial possession asked for, it being understood to be subject to the approval of the most excellent departmental assembly. Thus I, José Z. Fernandez, justice of the peace and judge in 1st instance, acting with the attesting witnesses in default of a notary public, (escribano,) have ordered and signed.

FERNANDEZ.

Wit.: JOSE A. CHAVEZ.

On this day, the citizen José Rafael Gonzalez being present, the contents of the preceding order (auto) were made known to him, and saying that he knew the contents thereof, he signed it.

FERNANDEZ,
JOSE RAFAEL GONZALEZ.

Wit.: JOSE A. CHAVEZ.

In the aforesaid capital on the 28th Sept., 1842, I assigned the fifth day of the month of October next for the personal ocular view and measurement of the land, giving notice of the same to the party interested and to the adjoining neighbors.

FERNANDEZ.

Wit.: JOSE A. CHAVEZ. (Witn.)

On this date notice of the preceding writ was given to the party interested, and having acknowledged himself summoned thereby, he signed it to make it so appear.

FERNANDEZ,
JOSE RAFAEL GONZALES.

Wit.: JOSE A. CHAVEZ. (Witn.)

On the same day subpœnas were issued to the mayordomo of the establishment of San Antonio, and of the C. Mariano Soberanes, in order that they, as having property, or residing contiguous (colindantes) to the rancho entitled San Miguelito de la Trinidad, may appear at their respective boundaries on the aforesaid fifth day, at 6 o'clock, a. m., and that it may appear as having been so done I put my flourish.

(Flourish.)

Witn.: JOSE A. CHAVEZ. (Witn.)

In the establishment of San Antonio on the 4th day of October, 1842, the citizen José Rafael Gonzalez, owner of the rancho San Miguelito, Francisco Rosas, steward, as representative of the mayordomo of this establishment, and Mariano Soberanes, owner of the rancho entitled "Los Ojitos," being present, and both being contiguous neighbors to the first, I appoint as measurers or surveyors (medidores) the citizens José Antonio Valencia and Bernabé Garcia, and these being accepted by the parties interested, let them be notified of their appointment, to the effect that if they accept the same they shall appear to take formal oath, by which decree I have ordered and signed.

FERNANDEZ,
JOSE RAFAEL GONZALEZ.

Wit.: JOSE A. CHAVEZ. (Wit.)

Thereupon in said establishment the citizens, José Antonio Valencia and Bernabé Garcia, being present and notified of the preceding writ (auto) and its contents, said that they accepted the appointment as measurers, and solemnly swore that they would faithfully and lawfully discharge the duties of said appointment according to the best of their knowledge and ability, and without deceit or fraud against the parties interested and neighboring proprietors, and having said they did not know how to sign their names, I signed my own with the attesting witnesses.

FERNANDEZ.

Wit.: JOSE A. CHAVEZ. (Wit.)

Immediately, I, the said judge, had a thread or hemp cord brought before me, with which the land is to be measured, and directed the measurers to prepare the same according to custom, in proof whereof I subscribe my name.

FERNANDEZ.

Wit.: JOSE A. CHAVEZ. (Wit.)

On the same day the said measurers took in my presence a hempen cord, twisted, tightened, and well stretched, and with a common Mexican measuring vara measured a length of fifty varas, which measurement was made faithfully and lawfully in presence and with the knowledge of the party interested, and of the neighboring proprietors.

I therefore ordered that it be noted down, and that the measurement of said land be proceeded with as directed, in proof whereof I subscribe my name.

FERNANDEZ,
JOSE RAFAEL GONZALEZ.

Wit.: JOSE A. CHAVIS. (Wit.)

This 5th day of October, 1842, I, the aforesaid judge, being in the field on the lands appertaining to the rancho entitled San Miguelito de la Trinidad, and the citizens, José Raf. Gonzalez, owner of said rancho, Mariano Soberanes, for himself, Francisco Rosas, for the establishment of San Antonio, as neighboring proprietors, (colindantes,) and José Antonio Valencia and Bernabé Garcia, the appointed measurers, all being present, ordered that the bounds and boundaries corresponding to said rancho be shown to me: accordingly, to make it the more clear, all being on horseback, a gap containing three large rocks, divided between each other, at some distance, was pointed out to me, this being the boundary of the establishment of San Antonio; thence the measurers, after resuming their task, reviewing the line, and confirming their oath, stretched the measure on the ground in a southerly direction until reaching the foot of the range, where they crossed a river not included in the measurement; these were measured ninety-nine lines. The summit of the range not having been reached, on account of its steepness, the measurement of it being therefore impracticable, from said point they returned to the first boundary, known as the "Portezuelo," and having made it appear to me that the distance hence to the Piedra del Gavilan is a little over three leagues, which ground, owing to its ruggedness, is too inconvenient to be measured, they were all of opinion, the measurers coinciding, to draw a direct line from the range from a westerly course, which is found in the map marked by me with the letter A, passing by the "Portezuelo," (hollow,) marked with the same letter, until they reached the "Piedras del Gavilan," in an easterly direction, marked with said letter; thence drawing another line towards the south, to the range which runs S. E. to S. W., this boundary being the point marked in the map with the letter B, and thence running by the same range, in a westerly direction, to the point marked with the letter C, thus completing the five sitios de ganado mayor, five square leagues, which correspond and belong to Don José R. Gonzalez by grant made by the government of the department, subject to the approval of the most excellent departmental assembly. Therefore, all this being done with agreement and certain knowledge of the adjoining proprietors, and of the measurers, I ordered the aforesaid Gonzalez, to the end of making the mentioned boundaries permanent and clear, to build, at his cost and expense, monuments of stone and lime, over one vara high, on the spots mentioned and marked by me on the map with the letters A, B, C, in order that in all time they may be observed and regarded as the limits and boundaries of his land by the residents contiguous thereto. And in order that it may appear

as having been so done, those who knew how to sign, signed with me, and I certify to the signatures of my assisting witnesses.

JOSE Z. FERNANDEZ,
JOSE R. GONZALEZ.

Wit.: JOSE A. CHAVIZ. (Wit.)

On the same day, I, the aforesaid judge, ordered that in virtue of the tracing out of the boundaries of the tract known as "San Miguelito," Don José R. Gonzales be put in juridical possession of the same, notifying him thereof, and to make it so appear, we subscribed our names.

FERNANDEZ.

Wit.: JOSE A. CHAVIZ. (Wit.)

On the same date, the party interested and adjoining residents were notified of the preceding order, and having confessed their knowledge of its contents, they signed their names, (those who could,) with me and my assisting witnesses.

(Flourish.)
JOSE RAFAEL GONGALEZ.

Wit.: JOSE A. CHAVIZ. (Wit.)

On the rancho San Miguelito de la Trinidad, at about 3 o'clock p. m. of the same day, month, and year, Don José Rafael Gonzalez, then and there being accompanied by me, the aforesaid judge, and witnesses, with the intention, as the said Gonzalez avowed, to take real and corporeal possession of the tract of land assigned to him, and belonging to him by just title, obtained from the government of this department, under date the 24th July, 1841, he, the party interested, remaining subject to the action of the most excellent departmental assembly, in its approval, entered and walked about thereon, uprooting grass, scattering handfulls of earth, tearing twigs, and performing other acts and ceremonies of real possession, in token, as he said, of taking possession of said land quietly and peaceably, without the least opposition from any of the parties; and I, the judge, do certify to have witnessed all that is here related, and command that the aforesaid Don José R. Gonzalez be henceforward held and recognised as true lord and possessor of said land, giving, as I do give, testimony of all the aforesaid, and delivering the original of this espediente to him, the said party, as a voucher and preservation of his rights, agreeably to his petition; all of which being authorized in due form according to law.

FERNANDEZ,
JOSE RAFAEL GONZALES.

Wit.: JOSE A. CHAVIZ. (Wit.)

On this day the original of this espediente was delivered to the party, Don José R. Gonzalez, consisting of twelve half sheets, (fojas,) in proof whereof I subjoin my flourish.

(Flourish.)

Wit.: JOSE A. CHAVIZ.

I certify the foregoing to be a true and correct translation from the original Spanish document on file in this office, in case No. 27, José Rafael Conzalez.

GEO. FISHER, *Sec'y.*

The undersigned, officiating as clerk to the secretary of the government during the governorship of Gen. Manuel Micheltorena, certifies, Don Maurice Gonzalez appeared before said general, soliciting an extension of land to his possession, which petition was well attended to, in that the boundaries were extended to the River Mission and to the Agua Hedionda, (Stinking water,) by the side of the rancho de los Ojitos, and by the other to the range or summit thereof. In proof whereof, I give the present in Monterey, on the 10th of March, 1848.

VINCENT PTO. GOMEZ.

The undersigned, ex-secretary of the departmental government of California, certifies, that during his secretaryship, Gen'l Manuel Micheltorena being then governor, he (the latter) granted to Don Mauricio Gonzalez the enlargement of land which he solicited, the limits running from the boundaries of his lands to the river San Antonio towards the N., and to the Agua Hedionda (Stinking water) towards the N. E., and towards the N. W. to the range, (sierra); and inasmuch as the respective espediente was completed, and the decree making the grant written, the title was not extended only by reason of the offices being closed on this occasion, owing to the revolution which broke out in this country, and which forced the aforesaid general to absent himself. And in order that the present may serve its proper effect, I give it, at the request of the party interested, on the 1st day of May, 1848.

MANUEL JIMENO.

San José, December 12th, 1851.

I, ex-translator of State, do hereby certify to the correctness of the foregoing translations, I having made the same from original papers, at the request of Don José Rafael Gonzalez.

JOSEPH H. SCULL.

Cuenta con D. José R. Gonzalez de su posecion:

Por 24 leguas de ida y 24 de buelta de Monterey, á S. Bernabé, a 3 r's legua - - - - - - -	18
Por 9 leguas de ida y 9 de buelta de San Bernabé á S'n Miguelito, a 6 r's - - - - - - -	13.4
Por 4 dias empleados en viaje y posecion por mitad, habiendo sido 10 dias, á 3 p's diarios - - - - -	12
Tasacion de costas por lo escrito - - - -	20.6
Suma - - - - - - - -	63.2

Filed Feb'y 9th, 1852.

GEO. FISHER, *Sec'y.*

E.—*Testimonio.*

Sello Tercero, Dos Reales.

Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

XIMENO. ANTONIO MARIA OSIO.

Transfer.

[Ad'a Marit'a de Monty. Mex. Engle.] En el puerto de Monterey, del departamento de las Californias, á los veinte y cuatro dias del mes de Setiembre, del año de mil ochocientos cuarento y uno, ante mi, Simeon Castro, juez de paz constitucional de esta demarcacion, y ante los testigos de asistencia con quienes actuo en la forma establecida por falta de escribano publico, á mas de los instrumentales de que al fin se hará mencion, parecieron de presente los indigenos emancipados de sus misiones Apolinario Mendoza marido y conjunta persona de su esposa Estefana, e hijos Gamaniel, Seral, Perfecta y Jacinta, y dijo el primero; que por si y a nombre de sus herederos y succesores y de quien de ellos hubiere titulo, voz y fama en enalquiera manera, bende y dá en bente publica y enagenacion perpetua por juro de heredad y para siempre jamas á D. Mauricio Gonzalez de esta vecinidad, cuya persona tambien doy fé conozco una casa que les pertenece en propiedad en el paraje conocido por S. Miguelito, por donacion que de ella les hizo el gobierno de este departamento, segun aparece por los documentos que presentaron y se unen á esta escritura, constante de diez y siete varas de frente y nueve de fondo; paredes de adobe y techo de tejas, todo muy deteriorado; igualmente ceden á dicho Gonzalez el derecho que tienen á un solar de cuatro cientas varas cuadrados de tierras de labor en donde esta situada dicha casa por no poder ellos trabajarlas ni beneficiarlas; y declaran los bendedores no tener la casa ni solar bendidos, enagenados ni empeñados, y como tal se los bende en precio y cuantia de ciento cincuenta pesos, de los cuales ciento seran en efectos á precios de plaza y cincuenta en buena y constante moneda de plata acuñada y comun; y sobre no parecer de presente la entrega renuncia las leges de ella, las de su prueba y pago del recibo, como en ello se contiene. Asi mismo declaran que tienen por justo precio y verdadero valor de dicha finca la espresada cantidad, que no vale mas, y si mas valer pudiere, del esceto en mucha é poca suma hacen á favor del comprador y de sus herederos y succesores gracia y donacion justa, perfecta e irrevocable que en derecho se llamo *inter vivos*, con insinuacion y demas firmeras legales; renunciando la ley 4a, titulo 7, libro 5o de la recopilacion, y las demas que hablan de la lesion en mas ó menos de la mitad del justo precio; y le confieren al comprador poder irrevocable como libre, franco y general administrador para que de su autoridad aprenda la tenencia—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

XIMENO. ANTONIO MARIA OSIO.]

[Ad'a Marit'a de Monty. Mex. Eagle.] —y posecion que por derecho le compete, obligandose los otorgantes de *mancomun* á que esta benta le será cierta, segura y efectiva al comprador y nadie le inquietará ni movera pleito en su propiedad é posecion y si se le inquietare saldrán á su defensá hasta dejarlo en quieta y pacifica posecion; y de no conseguirlo le sera de buelta la cantidad, que han de ecsibir con las mejoras utiles que tenga y todas las costas, perjuicios y menoscabos que se le siguieron. Y á la observancia de todo lo referido obliga el repetido mendoza de acuerdo con su muger é hijos mayores y menores los bienes que tengan todos y cada uno de por si habidos, y por haber y con ellos se someten al fuero y jurisdicion que corresponde conforme á derecho; renuncian las leyes que en el caso les favoresca con la general del derecho en forma. En cuyo testimonio asi lo otorgaron y no firmaron por no saber verificandolo yo el respetido juez con los de mi asistencia; siendo los instrumentales D. Jose Abrego, D. Manuel Castañares, y Don José Z. Fernandez, presentes y vecinos; doy fé.

SIMEON CASTRO.

Asistencia: JACINTO RODRIGUEZ,
Asistencia: MANUEL CASTRO.

Es copia fielmente sacada de su registro que obra en el archivo de este juzgado á que me remito; va en dos fojas utiles del papel del sello tercero sin ninguna enmendatura ni correccion, siendo testigos de verla copiar y concertar D. José Abrego y D. José Z. Fernandez, de esta vecinidad; doy fé.

SIMEON CASTRO.

Ass'a: MANUEL CASTRO,
Ass'a: JACINTO RODRIGUEZ.
Testigo de vista: JOSE ABREGO,
Test'o de vista: JOSE Z. FERNANDEZ.

Filed in office, M'rch 4th, 1852.

GEO. FISHER.

E.—Translation of transfer, annexed to the deposition of Jas. Alex. Forbes.

In the port of Monterey, of the department of the Californias, on the 24th day of the month of September, in the year 1841, before me,

Simeon Castro, constitutional justice of the peace of this jurisdiction, and before the attesting witnesses with whom I act in the form established, there not being a notary public, besides the instrumental witnesses, of whom mention will be made at foot of this, were present the emancipated Indians of their respective missions, Apolinario Mendoza, married, and conjointly with the person of his wife, Esbefana, and children, Gamaniel, Seral, Perfecta and Jacinto; and the first said, that for himself, and in the name of his heirs and successors, and of whomsoever of them having title, voice and interest in any manner, he sells and gives in public sale and perpetual alienation, in right of inheritance, for ever and ever, to D. Mauricio Gonzalez, of this place, whom I also testify to know; a house which they own in the place known as S. Miguelito, by donation made to them by the government of this department, as it appears by the documents which they have presented and annexed to this writing, consisting of seventeen varas front and nine in depth, house of adobe and roof of tiles, all greatly deteriorated; equal*ing* ceding to the said Gonzales their right to a piece of land of four hundred varas square, fit for cultivation, on which is situated the said house, and they cannot work it nor improve it; and the vendors declare not to have sold the house or land, transferred nor pledged it, and as such they sell it for the price and sum of one hundred and fifty dollars, of which, one hundred to be in goods at market prices, and fifty in good and counted money of silver, coined and common; and, although the delivery is not made at present, I renounce the laws respecting it, those in regard to proof and receipt of the payment. At the same time they declared that they hold, for a just price and true value of said property, the mentioned sum, that it is worth no more, and if it may be worth more, said surplus, be it more or less, they grant it to the purchaser, and to his heirs and successors, a fair, perfect and irrevocable donation, which in law is called inter vivos, with the declaration and other legal affirmations, renouncing the law 4th, title 7, book 5, of the Recopilacion and all the other laws which speak of lesion for more or less than half of the just price, and that at the same time they confer to the purchaser full power, irrevocably, freely, frankly, and generally to dispose of the authority and possession which lawfully belongs to him, the grantors binding themselves conjointly that this sale will be certain, sure and effective to the purchaser, and none shall trouble him with any suit in his property or possession, and if he be so disturbed they will go to defend him, until he is placed in quiet and pacific possession, and in default of which the amount, together with the improvements, shall be returned to him, with all the costs and damages which may result. And for the observance of all the above mentioned, the said Mendoza with his wife and children, of age or minors, binds himself with his or their property, all and singular, had and to be had, and with them submit to the proper forum and jurisdiction according to law; relinquishing the benefits of the laws which in this case may favor them, with the general law of right in due form;

in testimony of which, thus they covenant and they do not sign it, for they know not how, I, the mentioned judge, with those my attesting witnesses, have verified it, being instrumental witnesses.

D. JOSE ABREGO,
D. MANUEL CASTENARES, &
D. JOSE Z. FERNANDEZ,
Present and residents.

Attest: SIMEON CASTRO.

Assisting witnesses:
JACINTO RODRIGUEZ and
MANUEL CASTRO.

This is a copy faithfully taken from its register, which is in the archives of this district, to which I refer; it is of two written folios of paper of the third stamp, without any amendment or correction; D. José Abrega and D. José Z. Fernandez, of this vicinity, being the witnesses who saw it copied and compared. I attest:

(Signed) SIMEON CASTRO.

Attest'g witnesses: MAN'L CASTRO.
Attest'g witnesses: JACINTO RODRIGUEZ.

In presence of JOSE ABREGO.
In presence of JOSE Z. FERNANDEZ.

I certify the foregoing to be a true and correct translation from the original Spanish document on file in this office in case No. 36.

GEO. FISHER, *Sec'y.*

MARC'INO MARTINEZ.

Filed Feb'y 23, '53.

GEO. FISHER, *Sec'y.*

No. 27.—José Rafael Gonzales, Claimant.

Opinion by Hiland Hall.

José Rafael Gonzales petitions this board for the confirmation of his claim to a tract of land situated in the county of Monterey, and called San Miguelito, containing five square leagues, more or less, for which he produces a grant to himself from Juan B. Alvarado, governor of California, dated July 24, 1841. The genuineness of the grant is proved by the testimony of witnesses to the handwriting, and is confirmed by documentary evidence in the public archives. It is also shown by authentic documentary evidence that juridical possession of the land was given to the claimant in due form in the month of October, 1842; and the claimant appears to have occupied the land for the purposes of cultivation and the raising of stock, from that time to the present, having a son residing upon, and taking charge of it, for him. The grant is in the usual form, and the only objection that is made to

the claim on the part of the United States is, the want of evidence that it was confirmed by the departmental assembly. This objection we have repeatedly held to be insufficient to invalidate a claim otherwise fair and complete, and we accordingly make a decree for its final confirmation to the extent of five square leagues, and no more, holding, as in former cases, that no land can be claimed under the words more or less, when the surplus land, as in this case, is reserved to the nation.

Commissioner Thornton concurs in the result.

HILAND HALL.

No. 27.—José Rafael Gonzales, Claimant.

This board on full consideration having come to the conclusion that the said claim is valid, now proceeds to make the following decree of final confirmation, viz: It is decreed that the said claim be confirmed to the extent of five square leagues, being the same land described in the grant, and of which judicial possession was proved to have been given, provided, that the said quantity of land granted, and now here confirmed to the claimant, be contained within the boundaries called for by the grant and map to which the grant refers; and if there be less than the said quantity of five square leagues within said bounds, then we confirm to the claimant that less quantity.

Given under our hands the 1st day of March, 1853.

HILAND HALL,
HARRY J. THORNTON,
Commissioners.

Filed in office, March 1, 1853.

GEO. FISHER, *Sec'y.*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing seventy-two pages, numbered from 1 to 72, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses, upon which the same is founded, on file in this office, in case No. 27 on the docket of the said board, wherein José Rafael Gonzales is the claimant against the United States, for the place known by the name of "Rancho de San Miguelito de Trinidad."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, [Priv. Seal.] California, this twenty-first day of June, A. D. 1854, and of the independence of the United States of America the seventy-eighth.

(Signed) GEO. FISHER, *Sec'y.*

UNITED STATES DISTRICT COURT,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify that the foregoing 73 pages, numbered from 1 to 73, both inclusive, contain a full, true, and correct copy of transcript No. 27, filed in this office, wherein José Rafael Gonzales appellee, and the United States appellant, for San Miguelito de Trinidad.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, at Los Angeles, California, this 20th day of December, A. D. 1855, and of the independence of the United States of America the eightieth.

[L. S.]

C. E. CARR, *Cl'k.*

UNITED STATES DISTRICT COURT,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES.

J. RAFAEL GONZALEZ, appellee, ads. THE UNITED STATES, appellant. } Docket No. 18. Transcript No. 27.

Be it remembered, that on the 27th day of June, A. D. 1854, in the district court of the United States for the southern district of California, the following proceedings were had, to wit:

A duly certified transcript of the proceedings and decision, and the papers and evidence upon which the said decision was founded, of the commissioners to ascertain and settle the private land claims in the State of California, when sitting as a board, in the case wherein J. Rafael Gonzalez is the claimant against the United States, for the place named San Miguelito de Trinidad, was received and filed and docketed with No. 18, and is as follows, to wit:

(Vide page 1.)

LOS ANGELES, *Nov. 7th*, 1854.

In case No. 18, the notice of appeal from Atty. Gen'l of the United States was filed.

(Vide page 3.)

LOS ANGELES, *Dec.* 9, 1854.

In same case the petition for review of the United States was filed.

(Vide page 3.)

Upon which petition, the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *Sept.* 20, 1855.

In same case the answer of the appellee was filed.

(Vide page 10.)

LOS ANGELES, *Sept. 24th*, 1855.

In same case the opinion of the court was delivered confirming the claim, and the following decree was entered.

(Vide page 10.)

LOS ANGELES, *Oct. 18th*, 1855.

In same case the following order of appeal was filed.

(Vide page 13.)

Appeal Notice.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
WASHINGTON, 11*th September*, 1854.

JOSE RAFAEL GONZALES
vs.
THE UNITED STATES.

You will please take notice, that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 10th day of June, 1854, the appeal in the district court of the United States for the southern district of California will be prosecuted by the U. States.

(Signed) C. CUSHING,
Attorney General.

Filed Nov. 7, 1854.
(Signed) C. E. CARR, *Clk.*

In the District Court of the United States for the southern district of California.

LOS ANGELES COUNTY.

JOSE RAFAEL GONZALES
vs.
THE UNITED STATES. } No. 27.

Petition for Review.

To the honorable Isaac S. K. Ogier, judge of the district court of the United States for the southern district of California.

The petition of Pacificus Ord, (of Monterey county,) attorney of the United States for the southern district of California, who petitions in this behalf of the United States, and being present here in court in his proper person in the name and behalf of the United States, represents as follows:

That heretofore, to wit, on or about the 9th day of February, A. D. 1852, José Rafael Gonzalez, a resident of the county of Monterey, State of California, presented a petition to the commissioners to ascertain and settle the private land claims in the State of California, representing in substance that on the 1st day of May, A. D. 1841, he

presented a petition to Juan B. Alvarado, Governor of California, soliciting for himself a tract of land of two sitios, as a recompense for military services, which said tract of land was called in said petition Rancho de San Miguelito de Trinidad, lying in the neighborhood of and immediately adjoining the mission of San Antonio; that said petition was on the 17th day of May, A. D. 1841, referred by said governor to the prefect of the first district for information, and by him referred to José Jesus Pico, the person in charge of San Antonio, and that both reported favorably; that in the early part of July, A. D. 1841, and before he obtained the grant of land petitioned for, he again petitioned said Alvarado, praying for an additional tract of land of three citios, situate at said San Miguelito, as the two citios before asked for were not sufficient for the number of cattle he owned; that said Alvarado, by decree of the 24th of July, A. D. 1841, declared him the lawful owner of said tract containing five citios or leagues as described hereafter, and directing the proper title to issue and be delivered to him; that on the 24th of July, A. D. 1841, said Alvarado made in due form of law, and delivered to him, a grant of said land; that on the 27th of Sept., A. D. 1842, he asked for and received judicial possession of said land in due form of law; that said land is in Monterey county, and adjoining the ex-mission of San Antonio, and bounded as follows:

I. Commencing at the summit of the range of mountains lying westerly of the rock known as Portesuela, at a point due-west of said rocks; thence running easterly to said Portesuela; II, thence from said Portesuela, in a southeasterly direction, in a direct line to the rocks known as Piedras del Gavilan; III, thence south across the river known as Rio de Sierra to the highest point on the next range of mountains which runs east to west, next south to said river; IV, thence at right angles, as near as possible with the last mentioned line west, along the summit of the aforesaid range of mountains south of said Rio del Sierra, to a point where the road leading from the Rancho San Miguelito to the beach crosses the highest point of said mountains; V, at right angles, thence northerly as near as may be along the ridge of the mountains running from north to south to the place of beginning. That at the time of said grant no one lived on said land, except an Indian woman (Estefano Robles), who had permission to do so from the superior of the adjoining mission, but had no legal title, and for the sake of getting peaceful possession, he purchased from said Indian woman and her tribe all her and their right or interest in the said land; that he built a house thereon, and fenced in a part of said land according to the conditions of said grant, and continued to reside thereon up to date (9th February, 1852), occupying said land for grazing and other purposes, and praying for confirmation, &c. Your petitioner further represents, that thereafter, to wit, on the 1st day of March, A. D. 1853, the said commissioners confirmed by final decree the said claim of the said José Rafael Gonzales in the words following, to wit: "No. 27, José Rafael Gonzales, claimant. This board, on full consi-

deration, having come to the conclusion that the said claim is valid, now proceeds to make the following decree of final confirmation, viz.: It is decreed that the said claim be confirmed to the extent of five square leagues, being the same land described in the grant, and of which judicial possession was proved to have been given: Provided, that the said quantity of land granted and now here confirmed to the claimant be contained within the boundaries called for by the grant and map to which the grant refers; and if there be less than the said quantity of five square leagues within said bounds, then we confirm to the claimant that less quantity. Given under our hands the 1st day of March, 1853.

"(Sig'd) HILAND HALL,
HARRY J. THORNTON,
Commissioners."

That thereafter, to wit, on the 27th day of June, A. D. 1854, a duly certified transcript of the said decree and proceedings, and the papers and evidence on which it was founded in said cause, was filed in the office of the clerk of the district court of the U. States for the southern district of California, and marked No. 27, reference to which it is prayed may be had and made a part of this petition.

That on the 10th day of June, A. D. 1854, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of said final decree and proceedings of said commissioners in said cause (No. 27), and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 7th day of November, A. D. 1854, the said Attorney General of the United States filed, or caused to be filed on behalf of the United States, a notice with the said clerk of said district court for the southern district of California, that the appeal in said cause of José Rafael Gonzalez vs. The U. States, from the decision of the said commissioners to ascertain and settle the private land claims in the State of California, in the district court of the U. States for the southern district of California, would be prosecuted by the United States.

Your petitioner further represents, that the said land, claimed as aforesaid, is within the jurisdiction of this honorable court.

And your petitioner further represents and alleges, that the said claim of said José Rafael Gonzalez for said land, claimed and confirmed by said commissioners as aforesaid, is invalid, and said decree of confirmation erroneous, on the following grounds:

I. That the said José Rafael Gonzalez show no valid title to the said land claimed by him as aforesaid, and it is denied that he has any.

II. That at the time of the said alleged grant, the said land claimed as aforesaid was occupied by the missions of California, and particularly by the mission of San Antonio; that it was at the time of the alleged grant in the actual occupancy, by just authority, of the Indian woman Estefana Robles, or Mendoza, and her family, with the im-

provements thereon, and was not, therefore, subject to donation or grant by said Governor Alvarado.

III. That the grant was not made in accordance with the colonization law of August the 18th, A. D. 1824, nor according to the regulations of the 21st November, A. D. 1828, in this: that the title was issued and signed by the political chief before the approbation of the territorial deputation.

4. That it does not appear that the alleged grant was ever approved by the territorial deputation or departmental assembly, and it was not so approved.

5. That it is not stated in the said grant that it was made in entire conformity to the disposition of the laws.

6. That the said alleged grant does not contain any certain quantity of land, or any definite and sufficient description thereof.

7. That there is no evidence in said transcript of the performance of the conditions of the said alleged grant; there is no evidence that the claimant built a house on and occupied the land, within a year from the date of the grant, or that he cultivated and improved the same; and it is denied that he did perform said conditions of said grant, and built a house and occupied it within the year from the date of the grant.

8. That there is no evidence in said transcript that the magistrate, José Z. Fernandez, had lawful authority to make the measurements and give the judicial possession of the land claimed, and no evidence that Fernandez was a magistrate at the time of giving said possession of said land; and it is denied that he was such magistrate at such time and had such lawful authority.

9. That said Fernandez did not measure the said land according to the ordinance or law, or according to the calls in the said grant, and map referred to therein; that the said alleged measurements contained in said act of judicial possession are vague, indefinite, and uncertain.

10. That there is no evidence that the alleged act of sale of the Indian, Estefana Mendoza, and others, dated the 24th of Sept., A. D. 1841, was duly executed before a judge having the lawful authority; or that Simeon Castro was a magistrate at the date of said act of sale.

11. That the said Indian, Estefana Mendoza, and others, had not the capacity to sell their property in the manner as alleged; that the said Indians did not sign said act of sale, nor did any person legally sign for them. Wherefore, the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises and the law and statutes in such case made and provided, prays that the said José Rafael Gonzalez, or his attorney, may be served with a copy of this petition, and that this honorable court will review the said decision or final decree of confirmation of said commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said José Rafael Gonzalez for said land, claimed and confirmed

as aforesaid, and that the same may be decreed invalid, and all such other orders, judgments or decrees, as may be just, with costs and general relief.

(Signed) P. ORD,
Attorney of the United States
for the southern dist. of California.

Filed Dec. 9th, 1854.
(Sig'd) C. E. CARR, *Cl'k.*

Answer.

JOSE RAFAEL GONZALEZ ads. THE UNITED STATES. } No. 18.

José Rafael Gonzalez, claimant and appellee in the above entitled cause, in answer to the petition of review filed by the United States, avers that his title to the tract of land claimed is valid.

He therefore prays that the court may affirm the decision of the board of land commissioners, and decree the said title to be valid.

(Sig'd) J. C. CLARKE,
Attorney for Claimant.

Filed Sept. 20th, 1855.
(Sig'd) C. E. CARR, *Cl'k.*
By JNO. W. ROSS, *Dep.*

No. 7.—Decree by McAllister, Judge.

J. RAFAEL GONZALEZ, appellee, ads. THE UNITED STATES, appellants. } No. 18.—For San Miguel de Trinidad.

District Court of U. States for the southern district of California.

This cause coming on to be heard at a stated term of said court, from the final decision of the commissioners to ascertain and settle the private land claims in the State of California, under an act of Congress approved 3rd of March, 1851, upon the transcript of the decision and proceedings and the papers and evidence on which said decision was founded, and it appearing that said transcript has been duly filed according to law, and counsel for both parties having been heard, it is ordered, adjudged and decreed, that the said decision be affirmed; and it is further ordered, adjudged and decreed, that the claim of the appellee is valid, and that the same is hereby confirmed to the extent of five square leagues to and in the land described in the grant, a copy of which are of file in the transcript of this case, and of which land judicial possession was proved to have been given to the appellee: Provided that the said quantity of five square leagues be contained within the limits called for in said grant, and map to which it refers, but